

REMARKS

Claims 54-102 and 104-108 are presently pending in this application. Claim 103 has been cancelled in this paper. The undersigned representative would like to thank Examiner Koch for holding an extended teleconference on 10 January 2006. During this teleconference, the priority claim and the inclusion of claim 108 in the allowed claims were discussed. The applicants request that this paper constitute the applicants' Interview Summary of the January 10 teleconference.

The status of the application in light of the Office Action dated 30 December 2005 is as follows:

(A) The priority claim was subject to an objection on the grounds that the entire priority claim of U.S. Patent No. 5,235,995 ("Thompson '995 Patent") should be incorporated into the present application;

(B) Cancellation of claim 104 was requested on the grounds that this claim is drawn to non-elected subject matter; and

(C) The status of claim 108 was not provided.

A. RESPONSE TO THE OBJECTION TO THE SPECIFICATION

The priority claim was subject to an objection on the grounds that the Thompson '995 Patent appears to be a continuation or continuation-in-part of applications that are not referenced in the first line of the application. This objection, however, should be withdrawn because the present application does not claim priority to all of the branches of the priority claim in the Thompson '995 Patent.

The priority claim of the present application is as follows:

This application is a continuation of copending U.S. Patent Application Serial No. 09/575,965 filed May 23, 2000; which is a continuation of U.S.

Patent Application Serial No. 08/883,393 filed June 26, 1997 (now U.S. Patent No. 6,066,575); which is a division of U.S. Patent Application Serial No. 08/422,485 filed April 12, 1995 (now U.S. Patent No. 5,658,387); which is a continuation-in-part of copending U.S. Patent Application Serial No. 07/855,767 filed March 18, 1992 (now U.S. Patent No. 5,431,421); which is a continuation-in-part of U.S. Patent Application Serial No. 07/665,942 filed March 6, 1991 (now U.S. Patent No. 5,235,995); which is a continuation-in-part of U.S. Patent Application Serial No. 07/526,243 (now U.S. Patent 5,168,887).

As such, the priority claim in the present case goes directly from U.S. Patent Application Serial No. 07/665,942 (now the Thompson '995 Patent) to U.S. Patent Application Serial No. 07/526,243 (now the Thompson '887 Patent). The direct priority claim between the Thompson '995 Patent and the Thompson '887 Patent in the present application is the same as the priority claim between the Thompson '995 and '887 Patents in the Thompson '995 Patent itself. The priority claim of the present application, therefore, is correct under 37 C.F.R. § 1.78 and M.P.E.P. § 201.11.

Although the Thompson '995 Patent also claims priority to separate and distinct branches of other applications or patents, neither 37 C.F.R. § 1.78 nor M.P.E.P. § 201.11 mandates that the present application must also claim priority to such separate and distinct priority branches. More specifically, the Thompson '995 Patent separately claims priority directly to each of the following U.S. Patent Application Nos.: 07/526,052 (Branch 1); 07/526,057 (Branch 2); 07/328,888 (Branch 3); 07/526,243 (Branch 4); and 07/464,101 (Branch 5). The present application claims priority only to the subject matter of Branch 4 of the priority claim in the Thompson '995 Patent. As such, the direct priority claim from the Thompson '995 Patent to the Thompson '887 Patent in the present application is correct because this is the same direct priority claim in Branch 4 of the Thompson '995 Patent. To reiterate, neither 37 C.F.R. § 1.78 nor M.P.E.P. § 201.11 requires that the present application claim priority to all of the separate priority branches of the Thompson '995

Patent. The fact that the Thompson '995 claims priority to other cases that are separate and distinct from Branch 4 is irrelevant.

For further elucidation on the correctness of applicants' position, please consider that U.S. Application No. 07/464,101, now U.S. Patent No. 5,085,560, of Branch 5 of the Thompson '995 Patent describes subject matter that is not at all relevant to the subject matter claimed in the present application. To require that the present application claim priority to Branch 5 of the Thompson '995 Patent priority claim would result in an erroneous and incorrect result. Applicants accordingly submit that 37 C.F.R. § 1.78 and M.P.E.P. § 201.11 cannot be construed to require such a result, and respectfully request withdrawal of this objection.

B. CANCELLATION OF NON-ELECTED SUBJECT MATTER

The Examiner requested cancellation of claim 104 on the grounds that this claim is drawn to non-elected subject matter. During the January 10 teleconference, however, the Examiner agreed that claim 103 was drawn to the non-elected subject matter and that claim 104 had been allowed. Claim 103 has accordingly been cancelled from the present application in this paper.

C. STATUS OF CLAIM 108

The status of claim 108 was not provided in the Office Action dated 30 December 2005. Claim 108 depends from one of the allowed claims and was not subject to a restriction requirement. During the January 10 teleconference, the Examiner agreed that claim 108 should have been included in the allowed claims. Therefore, the applicants accordingly request allowance of claim 108.

D. CONCLUSION

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicants accordingly request reconsideration of the

application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned representative at (206) 359-3258.

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Respectfully submitted,

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